

## **Detailed Action**

### **Response to Arguments**

Applicant's arguments, filed 9/21/2010 with respect to Claims have been fully considered and are persuasive. The 102 and 103 rejections of claims 1-58, 82-86, 90-93, & 95-100 have been withdrawn.

### **112 6<sup>th</sup> Paragraph**

The applicant has amended the independent apparatus claims to reflect the proper "Means for" language and thus the examiner will be construing the claims where such language appears to invoke the 112 6<sup>th</sup> paragraph for determining the limitations to be considered.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey Costellia on 12-6-2010.

The application has been amended as follows:

Claim 94 has been cancelled.

### **Reasons for Allowance**

Claims 1-58, 82-86, 90-93, & 95-100 are allowed.

The following is an examiner's statement of reasons for allowance:

As to Claims 1, 4, 6, 53, 54, 57, 93, 95, & 98, the prior art of record, taken alone or in combination, fails to disclose or render obvious the displacement of the at least one of the reference or object beam laterally and the optical spectrum dispersing means receiving the laterally displaced beams on at least partially different portions of itself, in combination with the rest of the limitations of the claim.

With the amendment of the apparatus claims to bring them into proper means plus function language the examiner finds the limitations above to be allowable as supported by the structure disclosed by the applicant. The art the examiner has found shows that the lateral displacement of the beams and the projection of them still laterally separate onto the dispersing means is a unique feature because normally these beams are first interfered on or before the dispersing means.

As to Claims 2, 3, 5, 7-52, 55, 56, 58, 82-86, 90-92, 96, 97, 99, & 100 they are allowable due to their dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHON D. COOK whose telephone number is (571)270-1323. The examiner can normally be reached on Mon-Fri 11:00am to 7:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur Chowdhury can be reached on (571)272-2287. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jonathon Cook  
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December 6<sup>th</sup>, 2010

/TARIFUR R CHOWDHURY/  
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